



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 2401804

Applicant Name: Krista Appleby, Johnson Architecture, for K & A Investments

Address of Proposal: 2245 Eastlake Avenue East

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for the future construction of a 4-story mixed-used building with 18 apartments and 2,500 square feet of ground level retail. Parking for 26 vehicles to be provided below grade.

The following approvals are required:

Design Review and Development Standard Departures, pursuant to
Chapter 23.41 Seattle Municipal Code.

SEPA – Environmental Determination – SMC Chapter 25.05

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

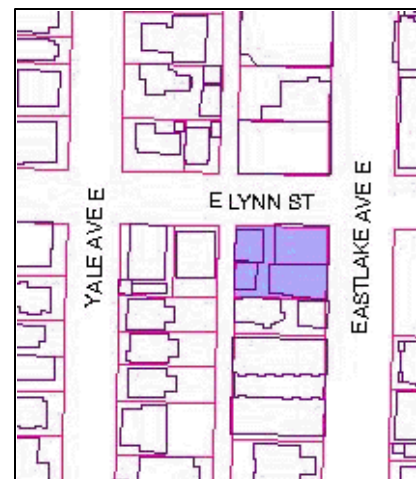
☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition or
involving another agency with jurisdiction.

BACKGROUND

Site and Vicinity

The site, located at the southwest corner of the intersection of Eastlake Avenue East and East Lynn Street, is zoned Neighborhood Commercial 2, with a 40-foot height limit (NC2/40). The site slopes down from east to west with an elevation change of approximately 10 feet.



The proposed site is currently developed with four structures, consisting of restaurants and residential units.

The site is 8200 square feet in size with 80 feet of street frontage on Eastlake Avenue East and 102.5 feet of street frontage along East Lynn Street. The west property line abuts a 20 foot wide alley which extends from East Lynn Street to East Boston Street. The paved portion of the alley is 16 feet wide. Properties along Eastlake Avenue East are zoned Neighborhood Commercial 2 with a 40' height limit (NC2-40) and Lowrise 2 Residential Commercial (L2/RC). These properties are developed with multiple story buildings with commercial uses at street level and residential units above and some primarily commercial buildings, mostly offices. Further east and west from Eastlake Avenue East, properties are primarily multifamily residential zones developed with medium scale apartment and/or townhouse structures.

Public Comments

Public notice of the Master Use Permit application was published on September 9, 2004. The public comment period ended on September 22, 2004. Several phone calls were received with questions about the project and the Design Review process. One comment letter was received.

In addition, two meeting occurred before the Capitol Hill/First Hill Design Review Board, as the project is subject to Design Review. Approximately 18 people from surrounding properties attended these meetings.

ANALYSIS – DESIGN REVIEW

Early Design Guidance Meetings

During the Early Design Guidance meeting on June 23, 2004, the architect and developer presented a vicinity map and streetscape photos, a project site plan, and three massing diagrams. The diagrams represented different relationship to the development in the immediate area and gave an idea of the allowable building envelope. The architect presented examples of existing built projects at other development sites to demonstrate the design character they are contemplating.

At this meeting, the Board also took public comment concerning the proposal from citizens that were in attendance at the meeting. Following their deliberation, the Board prioritized the following guidelines, identifying by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of the highest priority to this project.

- A-2 Streetscape Compatibility**
- A-3 Entrances Visible from the Street**
- A-4 Human Activity**
- A-5 Respect for Adjacent sites**
- A-10 Corner Lots**
- B-1 Height, Bulk and Scale**
- C-1 Architectural Context**

- C-2 Architectural Concept and Consistency**
- C-3 Human Scale**
- C-4 Exterior Finish Materials**
- D-1 Pedestrian Open Spaces and Entrances**
- D-2 Blank Walls**
- D-3 Retaining Walls**
- D-6 Screening of Dumpster, Utilities and Service Areas**
- E-2 Landscaping to Enhance the Building and/or Site**

Please see the full Early Design Guidance write-up in the project file.

DESIGN REVIEW BOARD RECOMMENDATION SUMMARY:
OCTOBER 6, 2004 MEETING

The architect and developer presented a project site plan and detailed elevation drawings. The architect referenced the guidance from the Early Design Guidance (EDG) meeting and demonstrated their responsiveness. The architect presented examples of existing built projects at other development sites to demonstrate the design character they are contemplating.

Departures from Development Standards:

Three departures have been requested at the time of this meeting and are listed below. The board unanimously recommended APPROVAL of the requested departures pertinent to the project presented at the October 6, 2004 final recommendation meeting.

<i>Development Standard</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Comment</i>	<i><u>Recommendation by Board</u></i>
Residential Lot Coverage Above 13'	<i>Maximum 64% = 5248 sq.ft.</i>	<i>77.4%=6353 sq.ft.</i>	<i>The additional lot coverage allows for the area needed for loft style units and allows for a more urban structure.</i>	Recommended approval
Open Space	<i>20% of structures gross floor area in residential use</i> <i>Minimum 4552 sq.ft.</i>	<i>Approximately 4377 sq.ft.</i>	<i>Other open space areas are provided which do not meet location requirements and therefore cannot be counted.</i>	Recommended approval
Open Space Balcony Measurement	<i>Minimum Dimensions 6' x 10' (60 sq.ft.)</i>	<i>Dimensions 4'6"x13'4" (60 sq.ft.)</i>	<i>The dimension of the width of the balconies provide for a more attractive façade, being more in scale with the width of the units. The applicant provided a diagram showing how this layout would still be considered "usable" despite the reduced minimum dimensions.</i>	Recommended approval

SUMMARY OF RECOMMENDATION

In general, the Board members in attendance indicated that the project met the Design Guidance which was prioritized at their previous meeting. After considering the proposed design and the project context and reconsidering the solutions presented in relation to the previously stated design priorities, all members of the Design Review Board in attendance unanimously recommend APPROVAL of the subject design as presented.

DIRECTOR'S ANALYSIS – DESIGN REVIEW

The Director is bound by any consensus by the Design Review Board when at least 4 of the 5 members make a recommendation of approval of the design and requested design departures, except in certain cases, in accordance with Section 23.41.014.F.3. These exceptions are limited to inconsistent application of the guidelines, exceeding the Board's authority, conflicts with SEPA requirements, or conflicts with state or federal laws. The Director had reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. The Director also concurs with the conclusions of the Board that the project does meet the City-wide design guidelines.

DECISION - DESIGN REVIEW

The Director accepts the Board's recommendations to approve the project design. The conditions listed at the end of this decision are provided to ensure that the design details approved with this project are implemented through construction process.

The proposed design is **APPROVED with CONDITIONS.**

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist dated July 28, 2004 and submitted by the applicant on August 5, 2004. The information in the checklist, project plans, Geotechnical Report and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- construction dust and storm water runoff,
- erosion,
- increased traffic and demand for parking from construction equipment and personnel;
- increased noise levels,
- occasional disruption of adjacent vehicular and pedestrian traffic,
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

Any conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of construction.

Noise

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 A.M. to 6:00 P.M and on Sundays from 10:00 A.M. to 6:00 P.M.:

1. Surveying and layout.
2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours.

Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DPD Construction Inspections.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

It is estimated that 3,000 cubic yards of earth would be disturbed and/or removed as a result of this project. Impacts on the alley right of way may result, to which a Street Use Permit and other reviews may be required for during construction. Also, since adjacent properties use the alley to access the site during construction, a plan showing how the alley will remain open to traffic must be submitted. If material is transported to or from the site, City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from the site.

The soils report, construction plans, and shoring of excavations as needed will be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation.

Grading, delivery and pouring of concrete and similar noisy activities shall be prohibited on Saturdays and Sundays. Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by DPD prior to each occurrence.

Construction Parking

Construction of the project is proposed to last for several months. On street parking in the vicinity are limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on

surrounding properties. As indicated above, the use of the alley during construction could provide limited access or disrupted access for adjacent property owners who need to use the alley to parking their automobiles. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. It is expected that all workers will be able to park on-site once the parking garage phase is completed and for the remaining duration of construction activity. To further facilitate this effort, the owner and/or responsible party shall submit a construction phase transportation plan. These conditions will be posted at the construction site for the duration of construction activity. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts, however, due to the size and location of this proposal, potential impacts warrant further analysis.

Transportation

The alley that is immediately adjacent to the site is currently 20 feet in width. Parking will be accessed from the alley instead of the streets that surround the project. No traffic study for the project was required due to the amount of trips proposed for the project, the presence of Transit in the immediate area and the number of trips that are generated due to the existing uses on site. Accordingly, no further mitigation is required.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – DESIGN REVIEW

Non-Appealable Conditions

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Darlene Edwards, 684-5605). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Darlene Edwards, 684-5606), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

Prior to Issuance of Master Use Permit

4. Provide updated colored drawings showing building elevations with material and color detail, all landscaping details, including trellises and walkways and embed approved colored drawings in updated MUP plans and all subsequent building permit plan sets.

CONDITIONS – SEPA

Prior to issuance of any Construction or Grading Permits

5. The owner(s) and/or responsible party(s) shall secure DPD Land Use Planner approval of construction phase transportation and pedestrian circulation plans. Appropriate SDOT and King County METRO participation in development of the plans shall be documented prior to DPD approval. The plans shall address the following:
 - Ingress/egress of construction equipment and trucks
 - Truck access routes, to and from the site, for the excavation and construction phases.
 - Street and sidewalk closures, including locations of re-routing pedestrian movement
 - Potential temporary displacement/relocation of any nearby bus stops.

- Continue use of the alley for adjacent property owners and/or timing and duration of any potential alley closures, including notification methods
6. Provide the following note on your plans: "No sediment shall be tracked into the street or onto paved surfaces. Sediment shall be removed from trucks and equipment prior to leaving the site. In the event of failure of the erosion control system resulting in sediment being tracked onto paved surfaces, street sweeping shall be employed."

During Construction

7. Parking for construction workers shall be provided on-site as soon as the garage is completed.
8. All construction activities shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 A.M. to 6:00 P.M and on Sundays from 10:00 A.M. to 6:00 P.M.:
1. Surveying and layout.
 2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. These hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence. The applicant will be required to submit a noise mitigation plan to DPD for review before a change in construction hours may occur. Periodic monitoring of work activity and noise levels will be conducted by DPD Construction Inspections.

Signature: _____ (signature on file) Date: February 10, 2005
Darlene Edwards, Land Use Planner
Department of Planning and Development

DE:bg